

PLANO DE ENSINO

DISCIPLINA	GLOBAL DATA PROTECTION REGULATIONS								
DOCENTE	LUCA BELLI								
CÓDIGO	GRDDIRELE161	SEMESTRE	2021.2	PERÍODO	-	NATUREZA	ELETIVA	CARGA HORÁRIA	30h

EMENTA		Privacy and data protection concerns are arising due to the exponential use of digital technologies and connected devices, coupled with incessant cyberattacks and data-misuse scandals that transformed personal data regulation into and essential juridical, economic and democratic priority. In this context, Data Protection has become a key issue for lawyers and entrepreneurs and for every single individual concerned with his or her privacy. Data protection laws have already been adopted in more than 120 countries around the world and are reshaping economies, redefining rights and obligations, and power relations. This course will examine the concept of privacy, data protection and their evolutions, considering some of the most relevant regulatory frameworks, with a focus on the European, the Brazilian, the Chinese and the Indian one. Student will play a key role in shaping this course as they will be asked to choose a national data protection framework of their choice and present it at the end of the course, when they will have acquired the necessary knowledge to critically analyse a data protection framework and perform an optimal presentation. To facilitate the student understanding of foreign data protection frameworks, the course will include the participation of a selection of international specialists that will intervene as guest lecturers. Confirmed guest lecturers are: Prof min Jiang; Dr Smriti Parsheera, and Dr Wei Wang.
OBJETIVOS		Understanding the concept of privacy, data protection, and data ethics, and being able to critically analysing national data protection frameworks considering the principles, rules, rights and obligations, which are necessary for data protection compliance purposes.
METODOLOGIA		This course will be taught entirely in English and will feature guest lectures by Brazilian and foreign specialists. The legal frameworks and approaches analysed during the various classes will be put in perspective in order to highlight similarities and discrepancies and stimulate a critical reflection. Student participation to the debates and their presentations will be an essential part of the course. Students will be required to deliver oral presentations on a topic of their choice that may be of legal, technical or economic nature.
HABILIDADES Exigência MEC CNE/CES nº 5, 18 de dezembro de 2018	X	Interpretar/aplicar as normas (princípios e regras) do sistema jurídico nacional, observando a experiência estrangeira comparada, quando couber, articulando o conhecimento teórico com a resolução de problemas.
		Demonstrar competência na leitura, compreensão e elaboração de textos, atos e documentos jurídicos, de caráter negocial, processual ou normativo, bem como a devida utilização das normas técnico-jurídicas.
		Demonstrar capacidade para comunicar-se com precisão.
		Dominar instrumentos da metodologia jurídica, sendo capaz de compreender e aplicar conceitos, estruturas e racionalidades fundamentais ao exercício do Direito.
		Adquirir capacidade para desenvolver técnicas de raciocínio e de argumentação jurídicos com objetivo de propor soluções e decidir questões no âmbito do Direito.
		Desenvolver a cultura do diálogo e o uso de meios consensuais de solução de conflitos.
		Compreender a hermenêutica e os métodos interpretativos, com a necessária capacidade de pesquisa e de utilização da legislação, da jurisprudência, da doutrina e de outras fontes do Direito.
		Ter competências para atuar em diferentes instâncias extrajudiciais, administrativas ou judiciais, com a devida utilização de processos, atos e procedimentos.
		Utilizar corretamente a terminologia e as categorias jurídicas.
		Aceitar a diversidade e o pluralismo cultural.
	X	Compreender o impacto da inteligência artificial e das novas tecnologias na área jurídica.
	X	Possuir o domínio de tecnologias e métodos para permanente compreensão e aplicação do Direito.
		Desenvolver a capacidade de trabalhar em grupos formados por profissionais do Direito ou de caráter interdisciplinar.
		Apreender conceitos deontológico-profissionais e desenvolver perspectivas transversais sobre direitos humanos.
	X	Outras: Compreender a estrutura da Internet e a natureza dos vários instrumentos de regulação desse meio e dos atores ou stakeholders que influenciam a elaboração de tais instrumentos. Particularmente o curso visará permitir: <ul style="list-style-type: none">• A análise e a compreensão da estrutura técnica da Internet e dos principais atores econômicos e políticos que influenciaram a evolução da Internet;• A análise e a compreensão do valor normativo da arquitetura (hardware e software) à base da Internet;• A análise e a compreensão dos principais mecanismos de governança da Internet, ao nível nacional e internacional;• Análise e compreensão das diferentes formas de regulação de Internet, do papel do estado e das entidades privadas no âmbito da regulação das redes eletrônicas e das plataformas que compõem a Internet.
CONTEÚDO PROGRAMÁTICO		
AULA	TEMA	
1	Course Presentation	
2	The Origin of Privacy and its Evolutions	

3	The Origin of Data Protection and its Evolutions
4	European Data Protection Law 1: Context, Principles and Rules
5	European Data Protection Law 2: the General Data Protection Regulation (GDPR)
6	The New Brazilian General Data Protection Law (LGPD)
7	Comparing the GDPR and the LGPD
8	Chinese Digital Policies (guest lecturer Dr Min Jiang)
9	Chinese Data Protection (guest lecturer Wei Wang)
10	Data Protection in India (guest lecturer Smriti Parsheera)
11	Cybersecurity and Data Protection: Convergence and Divergence in the BRICS Countries
12	Student Presentations
13	Student Presentations
14	Student Presentations
15	Student Presentations
TRILHA	Advocacia Empresarial
	Carreiras Públicas
	Regulação
	Justiça e Sociedade
	X Tecnologias
CRITÉRIOS DE AVALIAÇÃO	<p>The final grade will be based on the result of the final written exam, of the oral presentation and on presence and participation.</p> <p>The evaluation of the final exam will correspond to 40% (forty percent of the final grade).</p> <p>The evaluation of the presentation will correspond to 40% (forty percent of the final grade).</p> <p>The remaining 20% (twenty percent), to reach 100% (one hundred percent) of the final grade, will depend on the student's presence and effective participation in the debates held in the classroom.</p>
BIBLIOGRAFIA BÁSICA	<p>SAMUEL D. WARREN; LOUIS D. BRANDEIS. The Right to Privacy. Harvard Law Review, Vol. 4, No. 5. (Dec. 15, 1890), pp. 193-220 https://www.cs.cornell.edu/~shmat/courses/cs5436/warren-brandeis.pdf</p> <p>ASHNA ASHESH AND BHAIRAV ACHARYA. Locating Constructs of Privacy within Classical Hindu Law. CIS India. 29 December 2014. https://cis-india.org/internet-governance/blog/loading-constructs-of-privacy-within-classical-hindu-law</p> <p>LEE A. BYGRAVE: Privacy and Data Protection in an International Perspective. Stockholm Institute for Scandinavian Law 2010. https://www.scandinavianlaw.se/pdf/56-8.pdf</p> <p>DANIEL J. SOLOVE. (2006). "A Taxonomy of Privacy" University of Pennsylvania Law Review. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=667622</p> <p>BO ZHAO, YANG FENG. Mapping the development of China's data protection law: Major actors, core values, and shifting power relations. Computer Law & Security Review. Volume 40, April 2021 https://www.sciencedirect.com/science/article/pii/S0267364920301035</p> <p>LUCA BELLI. Data Protection in the BRICS Countries: Enhanced Cooperation and Convergence towards Legal Interoperability. New Media Journal. Chinese Academy of Cyberspace Studies. https://cyberbrics.info/data-protection-in-the-brics-countries-enhanced-cooperation-and-convergence-towards-legal-interoperability/</p>
BIBLIOGRAFIA COMPLEMENTAR	<p>BELLI, LUCA. (2021). CyberBRICS: A Multidimensional Approach to Cybersecurity for the BRICS in Belli, Luca (Ed.). (2021). CyberBRICS: CyberBRICS: Cybersecurity Regulations in the BRICS Countries. Springer. https://cyberbrics.info/cyberbrics-cybersecurity-regulations-in-the-brics-countries-full-ebook/</p> <p>BELLI, LUCA; NICOLÒ ZINGALES; MACIEL, M.; STYLIANOU, K.; VENTURINI, J.; LUIZA LOUZADA. Terms of service and human rights: an analysis of online platform contracts. 1. ed. Rio de Janeiro: Revan, 2016. https://bibliotecadigital.fgv.br/dspace/handle/10438/18231</p> <p>EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS AND COUNCIL OF EUROPE. (2018). Handbook on European data protection law 2018 edition. https://fra.europa.eu/en/publication/2018/handbook-european-data-protection-law</p> <p>SHOSHANA ZUBOFF (2015). Big Other: Surveillance Capitalism and the Prospects of an Information Civilization (April 4, 2015). Journal of Information Technology (2015) 30, 75–89. https://ssrn.com/abstract=2594754</p>